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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,328	08/04/2003	Kenneth Thompson	MCC-44532	6778

26252 7590 01/29/2009

KELLY LOWRY & KELLEY, LLP  
6320 CANOGA AVENUE  
SUITE 1650  
WOODLAND HILLS, CA 91367

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/29/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10634328	8/4/2003	THOMPSON ET AL.	MCC-44532

KELLY LOWRY & KELLEY, LLP  
6320 CANOGA AVENUE  
SUITE 1650  
WOODLAND HILLS, CA 91367

**EXAMINER**

Willmon Fridie

ART UNIT	PAPER
3724	20090127

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

SEE ATTACHMENT

/Willmon Fridie/  
Primary Examiner, Art Unit 3724

## **DETAILED ACTION**

### ***Appeal Brief***

The appeal brief filed on 11/8/05 is defective.

A review of the file reveals that the appellants include claim 17 as an independent claim under the heading "Summary of Claimed Subject Matter." However, claim 17 has been cancelled according to an amendment filed on December 15, 2003. A clarification is needed to clarify whether or not claim 17 has been cancelled.

To avoid dismissal of the appeal, appellant must ratify the appeal brief within ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer. Extensions of time may be granted under 37 CFR 1.136.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 8/4/03 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### ***Evidence Relied Upon***

In the Examiner's Answer that was mailed on 3/13/06 the evidence relied upon by the examiner in the rejection of the claims under appeal was inadvertently ommitted. The evidence relied upon is listed below:

US Patent 6106932 to Carides et al. 08-2000  
US Patent 6693544 to Hebbecke 02-2004

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willmon Fridle whose telephone number is 571 272 4476. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ASHLEY BOYER can be reached on 571 272 4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WF  
/Willmon Fridle/  
Primary Examiner, Art Unit 3724

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